

**BEFORE THE BOARD OF EDUCATIONAL EXAMINERS
OF THE STATE OF IOWA**

In the matter of:)	BOEE Case No. 19-11
)	Folder # 362846
KIMBERLY K. KUHLEERS,)	
)	COMBINED STATEMENT OF
Respondent.)	CHARGES, SETTLEMENT
)	AGREEMENT, AND FINAL ORDER

In accordance with the provisions of Iowa Code sections 17A.12(5) and 272.2(4) and 282 Iowa Administrative Code rule 11.4(6), and with full knowledge of the right to demand a formal hearing before the Board upon the pending complaint prior to the imposition of sanction upon her license, the Respondent expressly waives the right to a disciplinary hearing and notifies the Board of her desire to resolve the pending complaint through means of informal disposition.

The Respondent concedes the jurisdiction of the Board for all issues relevant hereto and voluntarily consents to the State's counsel presenting this agreement to the Board with the terms provided. If the Board does not accept the terms of this agreement, the disciplinary hearing will be rescheduled and the stipulations contained herein are not binding upon the Respondent and will not be presented against her at the time of hearing without further agreement of the Respondent.

Board approval of this settlement shall constitute resolution of this matter and will be entered as a FINAL ORDER of the Board.

NOTICE OF HEARING

A hearing in this matter will not be held, as the State and Respondent have entered into the following consent agreement in lieu of scheduling a contested case hearing. If the Board does not accept this Combined Statement of Charges, Settlement Agreement, and Final Order, the matter may be set for hearing in accordance with 282 Iowa Administrative Code rule 11.7.

STATEMENT OF CHARGES

Count I

Respondent is charged with committing any act of physical abuse of a student, in violation of 282 Iowa Administrative Code rule 25.3(1)(e)(1).

Count II

Respondent is charged with failing to make reasonable effort to protect the health and safety of the student or creating conditions harmful to student learning, in violation of 282 Iowa Administrative Code rule 25.3(6)(c).

Count III

Respondent is charged with the commission of or conviction for a criminal offense as defined by Iowa law that is relevant to or affects teaching performance, in violation of 282 Iowa Administrative Code rule 25.3(1)(b)(2).

STIPULATIONS

1. Respondent holds a STANDARD LICENSE (FOLDER # 362846) with the following endorsements: K-6 Teacher Elementary Classroom; PK-K Teacher, PreKindergarten-Kindergarten Classroom; K-8 Reading; K-8 Instructional Strategist I: Mild/Moderate; K-12 Athletic Coach. This license is current and will next expire on July 31, 2021.

2. During the relevant facts of this matter, Respondent was employed as a teacher with the Belmond-Klemme Community School District.

3. On January 17, 2019, the Board of Educational Examiners received a complaint against Respondent alleging a violation of the Code of Ethics.

4. On April 12, 2019, the Board found probable cause to proceed to hearing based upon the facts set forth in paragraphs 5 below.

5. Investigation revealed that on October 15, 2018, Respondent pressed her fingernail into a student's hand. A criminal complaint was filed against Respondent based upon this conduct. On February 13, 2019, Respondent entered an *Alford* plea to the charge of simple assault, in violation of Iowa Code section 708.2(6), and was granted a deferred judgment.

SETTLEMENT AGREEMENT

6. This Combined Statement of Charges, Settlement Agreement, and Final Order constitutes the final resolution of a contested case proceeding and shall have the force and effect of a disciplinary order entered following a contested case hearing.

7. In order to resolve this matter without proceeding to hearing, Respondent agrees to the following conditions:

a. Respondent accepts a WRITTEN REPRIMAND.

- b. Respondent accepts a SUSPENSION of her license for a minimum period of ONE YEAR. Respondent agrees she bears the burden of applying for reinstatement pursuant to 282 Iowa Administrative Code 11.34 and that she bears the burden of proving that the basis for her suspension no longer exists and that it will be in the public interest to reinstate her license. Additionally, Respondent agrees she is not eligible for reinstatement until she satisfactorily completes the requirements of subparagraph (c) below.
- c. Respondent agrees to successfully complete at least fifteen in-person contact hours in "Ethics for Educators," which is offered by the ISEA, or "Ethical Educators," which is offered by the PEI, prior to seeking reinstatement. Respondent is responsible for all costs associated with the completion of the educational course. Respondent shall provide the Board with proof of completion of the ethics course prior to seeking reinstatement.

LICENSEE DECLARATION

I understand that this Combined Statement of Charges, Settlement Agreement, and Final Order is subject to the approval of the Board and will have no force or effect if it is not accepted by the Board.

I understand State's counsel will present this Combined Statement of Charges, Settlement Agreement, and Final Order to the Board *ex parte*.

I agree to comply with the requirements set forth in the stipulations and requirements of this Combined Statement of Charges, Settlement Agreement, and Final Order and understand that my failure to do so can result in additional discipline of my license.

I understand that this Combined Statement of Charges, Settlement Agreement, and Final Order is a public record, which will become part of my permanent licensure file and will be available for public inspection and reproduction.

I understand that my name will be added to the national clearinghouse database kept by the National Association of State Directors of Teacher Education and Certification (NASDTEC).

5-17-19
Date

Kimberly K. Kuhlers
Kimberly Kuhlers, Respondent

ORDER

IT IS THE FINAL ORDER OF THE IOWA BOARD OF EDUCATIONAL EXAMINERS THAT:

1. The conduct with which Respondent has been charged constitutes a violation of the Code of Professional Conduct and Ethics governing the teaching profession. Respondent is REPRIMANDED for the charged conduct.

2. Additionally, Respondent's license is SUSPENDED for a minimum period of ONE YEAR. Respondent bears the burden upon reinstatement to prove that the reason for suspension no longer exists and that it will be in the public interest to reinstate her license. Additionally, Respondent is not eligible for reinstatement until she satisfactorily completes the requirements of paragraph 3 below.

3. Respondent shall successfully complete at least fifteen in-person contact hours in "Ethics for Educators" or "Ethical Educators" prior to seeking reinstatement. Respondent is responsible for all costs associated with the completion of the educational course. Respondent shall provide the Board with proof of completion of the ethics course prior to seeking reinstatement.

4. In determining the appropriate sanction to impose in this case, the Board has considered the nature and seriousness of the allegations as well as mitigating circumstances.

Dated this 21st day of June, 2019.



Ann Lebo, Executive Director
Iowa Board of Educational Examiners

Copies to:

Kimberly Kuhlers
RESPONDENT

Christy Hickman
ATTORNEY FOR RESPONDENT

Allison Schmidt
ATTORNEY FOR THE STATE